

In The United STATES District Court For The
EASTERN DISTRICT of PENNSYLVANIA

Kevin McKeithen
VS.

TERESA DelBalso, ET AL

CA# 14-CV-1628

RECEIVED

MAR 25 2015

PETITIONER'S MOTION TO AMEND/ADD, TO OBJECTION
TO AND FROM THE REPORT AND RECOMMENDATIONS
BY THE MAGISTRATE.

Now Comes Kevin McKeithen, PRO SE, who humbly
REQUESTS THIS HONORABLE COURT TO GRANT
PETITIONER'S MOTION TO AMEND PETITIONER'S OBJECTIONS.
DURING PETITIONER'S APPEAL PROCESS, PETITIONER
AVERS THAT HE WAS DENIED HIS CONSTITUTIONAL
RIGHTS OF ACCESS TO THE COURTS BY GOVERNMENT
INTERFERENCE. SEE BOUNDS V. SMITH, 430 U.S. 817,
97 S. 1491, 52 L. ED. 2D 72 (1977). PETITIONER CLAIMS
THAT IN FEBRUARY 2011, THE DEPARTMENT OF CORREC-
TIONS OF PENNSYLVANIA WITHOUT WARNING UP-ROOTED
PETITIONER AND SENT PETITIONER TO THE STATE OF
MICHIGAN WHERE PETITIONER WAS DENIED ACCESS
TO THE COURTS, UPON ARRIVING IN MICHIGAN THERE
WAS NO LAW LIBRARY THAT WOULD ALLOW PETITIONER
TO PROCEED IN THE PENNSYLVANIA COURTS FOR MONTHS.
THOUGH NOT EXPLICITLY STATED IN BOUNDS, A CLAIM
BASED ON DENIAL OF ACCESS TO THE COURTS REQUIRES
THAT THE PLAINTIFF SHOW AN INJURY IN FACT.

LEWIS, 518 U.S. AT 351-52. This ACTUAL INJURY COMPONENT OF A DENIAL OF ACCESS TO THE COURTS CLAIM REQUIRES THE PLAINTIFF TO SHOW THAT THE CHALLENGED CONDUCT FRUSTRATED HIS ABILITY TO PURSUE AN APPEAL. PLAINTIFF WAS IN THE APPELLATE STAGE OF CRIMINAL MATTER AT THE TIME, PETITIONER AYER'S THAT BECAUSE OF THE ACTIONS OF THE PENNSYLVANIA DEPARTMENT OF CORRECTIONS HE WAS DEPRIVED AND DENIED ACCESS TO THE COURTS WHICH CONSTITUTED CAUSE AND PREJUDICE.

DATE: 3/22/15

Respectfully Submitted
Kevim McKeithen

PROOF OF SERVICE

I hereby certify that I am, this day, serving the foregoing document upon the persons and in the manner indicated below, which service satisfies the requirements of Pa. R. Crim. P. 577.

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Karen McNauller
Signature of Server

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Name Kevin McKEITHEN

Number HV-5414

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United STATES District Court Eastern District
United States Courthouse, Independence Mall west
601 Market St, Phila, PA 19106

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